

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR  
9004-1 (b)

**FEIN, SUCH, KAHN & SHEPARD, P.C.**

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In Re:

MARTINE CHRISTOPHE

Debtor(s) .



Order Filed on January 4, 2017  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No.: 16-27272 ABA

Chapter: 13

Hearing Date: January 3, 2017

Judge: Hon. Andrew B. Altenburg,  
Jr.

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY  
AND/OR MOTION TO DISMISS  
WITH CONDITIONS

The relief set forth on the following pages, numbered two (2)  
through four (4) is hereby ORDERED.

DATED: January 4, 2017

  
Honorable Andrew B. Altenburg, Jr.  
United States Bankruptcy Court

Applicant:	PNC BANK, NATIONAL ASSOCIATION
Applicant's Counsel:	Fein, Such, Kahn & Shepard, P.C.
Debtor's Counsel:	CHARLES M. IZZO, ESQ.
Property Involved (Collateral")	31 GREYSTONE LANE WINSLOW TWP, NJ 08081

Relief sought:        ☒ Motion for relief from the automatic stay

☐ Motion to dismiss

☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 3 months, from October, 2016 to December, 2016.
- ☒ The Debtor is overdue for 3 payments at \$1,495.14 per month.
- ☐ The Debtor is assessed for N/A late charges at \$N/A per month.
- ☐ Applicant acknowledges receipt of funds in the amount of \$N/A received after filing of the Motion.

Total Arrearages Due \$4,485.42.

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Immediate payment shall be made in the amount of \$1,531.00. Payment shall be made no later than December 31, 2016. (Counsel for Secured Creditor acknowledges receipt of payment.)
- ☒ Beginning on January 1, 2017, regular monthly mortgage payments shall continue to be made in the amount of \$1,485.14.
- ☒ Beginning on February 1, 2017, additional monthly cure payments shall be made in the amount of \$492.41 for 6 months.
- ☐ The amount of \$N/A shall be capitalized in the Debtor's Chapter 13 plan. The Debtor's monthly payment to the Chapter 13 Trustee is modified to be \$\_\_\_\_\_ per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

- ☒ Immediate payment: PNC Mortgage  
c/o Fein, Such, Kahn & Shepard P.C.  
7 Century Drive Suite 201,  
Parsippany, NJ 07054
- ☒ Regular monthly payment: PNC Mortgage, a division of PNC  
Bank, N.A.  
3232 Newmark Drive  
Miamisburg, OH 45324
- ☒ Monthly cure payment: PNC Mortgage, a division of PNC  
Bank, N.A.  
3232 Newmark Drive  
Miamisburg, OH 45324

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$400.00, and costs of \$181.00.

The fees and costs are payable:

- ☒ through the Chapter 13 plan.
- ☐ to the Secured Creditor within \_\_\_\_\_ days.
- ☐ Attorneys' fees are not awarded.